

Article - Health Occupations

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§6–308.

(a) Subject to the hearing provisions of § 6–309 of this subtitle, the Board may deny a license or registration to an applicant, reprimand a licensee or registration holder, place any licensee or registration holder on probation, or suspend or revoke the license of a licensee or the registration of a registration holder if the applicant, licensee, or registration holder:

(1) Fraudulently or deceptively obtains or attempts to obtain a license or registration for the applicant or for another;

(2) Fraudulently or deceptively uses a license or registration;

(3) Is disciplined by a licensing, certifying, or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section;

(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(5) Willfully and knowingly:

(i) Files a false report or record of an individual under the care of the licensee or registration holder; or

(ii) Gives any false or misleading information about a material matter in an employment application;

(6) Knowingly does any act that has been determined by the Board, in its regulations, to exceed the scope of practice authorized to the individual under this subtitle;

(7) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;

(9) Is negligent in the practice of massage therapy;

(10) Is professionally incompetent;

(11) Has violated any provision of this title;

(12) Submits a false statement to collect a fee;

(13) Is physically or mentally incompetent;

(14) Knowingly fails to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(15) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee or registration holder is qualified to render because the individual is HIV positive;

(16) Except in an emergency life–threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention’s guidelines on standard precautions;

(17) Is habitually intoxicated;

(18) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;

(19) Fails to cooperate with a lawful investigation conducted by the Board;

(20) Engages in conduct that violates the professional code of ethics;

(21) Knowingly does an act that has been determined by the Board to be a violation of the Board’s regulations; or

(22) Fails to submit to a criminal history records check in accordance with § 6–303 of this subtitle.

(b) If, after a hearing under § 6–309 of this subtitle, the Board finds that there are grounds under subsection (a) of this section to suspend or revoke a license or registration to practice massage therapy, to reprimand a licensee or registration

holder, or to place a licensee or registration holder on probation, the Board may impose a penalty not exceeding \$5,000 in lieu of or in addition to suspending or revoking the license or registration, reprimanding the licensee or registration holder, or placing the licensee or registration holder on probation.

(c) (1) An individual whose license or registration has been suspended or revoked by the Board shall return the license or registration to the Board.

(2) If the suspended or revoked license or registration has been lost, the individual shall file with the Board a verified statement to that effect.

(d) The Board shall file a notice for publication in the earliest publication of the Maryland Register of each revocation or suspension of a license or registration under this section within 24 hours after the revocation or suspension.

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